



Atty Docket No.: 15268.0001

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Menday et al.
Serial No. 10/516,532
Filed : June 13, 2005
For: *Security System*

Examiner: Dillon Jr., Joseph A
Group Art Unit: 3651

Mail Stop Amendment
United States Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria VA 22314

RESPONSE TO RESTRICTION REQUIREMENT

In response to the outstanding Restriction Requirement mailed February 14, 2006,
Applicants elect Group I, claims 1-9, with traverse.

Applicants respectfully request that the Examiner reconsider the grouping of the claims. The Examiner has restricted the claims as he contends that "they lack the same or corresponding technical features." However, MPEP 803 states that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). Under the guidelines set forth in the MPEP, "a serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation of separate classification, or separate status in the art, or a different field of search."

Applicants respectfully submit that the Examiner has not met this *prima facie* showing in this Office Action. Applicants further submit that it would not be an undue burden on the Examiner to examine the remaining Groups II-V. For example, Group I is directed to a carrier for use in an air tube system. Various features of the carrier are described, such as the use of an identifier to allow carriers traversing an air tube system to be tracked. Group III relates to a controller for use with an air tube system, which is capable of tracking the carriers. Claim 16 clarifies that this is performed using the identifier. Similarly Group IV incorporates features from Group I and III, such as the features of the carrier and controller. As such, Applicants believe that if the Examiner accurately assesses the relevance of prior art to the elected invention,

Applicant : Menday et al.
Serial No. : 10/516,532
Filed : June 13, 2005
Page : 2 of 2

Attorney's Docket No.: 15268.0001

the Examiner will inevitably locate and assess prior art which is relevant to the subject matter of the claims of Groups II-V.

Should any fees be required by the present Amendment, the Commissioner is hereby authorized to charge Deposit Account 19-4293. If, for any reason, a telephonic conference with the Applicants would be helpful in expediting prosecution of the instant application, the Examiner is invited to call Applicants' Attorney at the telephone number provided below.

Respectfully submitted,

Date: 3-19-06



Harold H. Fox
Reg. No. 41,498

Customer No. 27890
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036-1795
Phone: 202-429-6748
Fax: 202-429-3902